

SEVENTIETH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend John T. Easley, Gospel United Missionary Baptist Church, Nashville, Tennessee.

Representative Love led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 91

Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

The Speaker announced that Representative Hassell was excused because of illness in the family.

The Speaker announced that Representative Stafford was excused because of illness.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1268, 1428, 1438, 1503, 1670, 1760, 1761 and 2114; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 171, 1238, 1388, 1404, 1584, 1700, 1806, 1809, 1810, 1811, 1828, 1836, 1838, 1913, 1962, 1974, 2246, 2267 and 2269; House Resolutions Nos. 128, 129 and 130; and House Joint Resolutions Nos. 438, 439, 440, 441, 442, 445, 446, 447, 448, 449, 450, 451, 452, 455, 456, 457, 458, 459, 464, 468, 470 and 474; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 171, 1238, 1388, 1404, 1584, 1700, 1806, 1809, 1810, 1811, 1828, 1836, 1838, 1913, 1962, 1974, 2246, 2267 and 2269; House Resolutions Nos. 128, 129 and 130; House Joint Resolutions Nos. 438, 439, 440, 441, 442, 445, 446, 447, 448, 449, 450, 451, 452, 455, 456, 457, 458, 459, 464, 468, 470 and 474; and Senate Bills Nos. 1268, 1428, 1438, 1503, 1670, 1760, 1761 and 2114.

CALENDAR

House Bill No. 2098--To provide for disposition, certain stocks or bonds.

On motion, House Bill No. 2098 was made to conform with Senate Bill No. 2095.

On motion, Senate Bill No. 2095, on same subject, was substituted for House Bill No. 2098.

Mr. Hudson moved that Senate Bill No. 2095 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson),

Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--88.

A motion to reconsider was tabled.

House Bill No. 2114--To appropriate funds, nonprofit organizations.

Mr. Starnes moved that House Bill No. 2114 be passed on third and final consideration.

Mr. Copeland moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 2114 by deleting Sections 1 and 2 in their entirety and substituting instead the following new sections:

Section 1. Tennessee Code Annotated, Section 5-9-109(a), is amended by inserting after the phrase "nonprofit charitable organization" the words "or any nonprofit civic organizations" and by adding the following additional sentences thereto:

For the purposes of this section, a nonprofit civic organization means a civic organization exempt from taxation pursuant to paragraph (4), subsection (c) of Section 501 of the Internal Revenue Code of 1954, as amended, which operates primarily in the county for the purpose of bringing about civic betterments and social improvements through efforts to maintain and increase employment opportunities in the county by promoting industry, trade, commerce, tourism and recreation by inducing manufacturing, industrial, governmental, educational, financial, service, commercial, recreational, and agricultural enterprises to locate in or remain in the county. The statement of public policy set forth in Section 3 of Chapter 209 of the Public Acts of 1955 is hereby incorporated into and made a part of this section, and it is hereby determined and declared that appropriations authorized by this section are needed to relieve the emergency created by the continuing migration from Tennessee and its counties of a large number of its citizens in order to find employment elsewhere, and to enable the counties of the state to assist nonprofit organizations in furthering

the economic development, social welfare and common good of its residents.

Section 2. Tennessee Code Annotated, Section 6-54-111(a), is amended by inserting after the phrase "nonprofit charitable organization" the words "or any nonprofit civic organization" and by adding the following additional sentence thereto:

For the purposes of this section a nonprofit civic organization means a civic organization exempt from taxation pursuant to paragraph (4) subsection (c) of Section 501 of the Internal Revenue Code of 1954, as amended, which operates primarily for the purpose of bringing about civic betterments and social improvements through efforts to maintain and increase employment opportunities in the municipality by promoting industry, trade, commerce, tourism and recreation by inducing manufacturing, industrial, governmental, educational, financial, service, commercial, recreational, and agricultural enterprises to locate in or remain in the municipality. The statement of public policy set forth in Section 3 of Chapter 209 of the Public Acts of 1955 is hereby incorporated into and made a part of this section, and it is hereby determined and declared that appropriations authorized by this section are needed to relieve the emergency created by the continuing migration from Tennessee and its municipalities of a large number of its citizens in order to find employment elsewhere, and to enable the municipalities of the state to assist nonprofit organizations in furthering the economic development, social welfare, and common good of its residents.

On motion, the amendment was adopted.

Ms. Turner (Hamilton) moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 2114 by inserting the following immediately preceding the effective date section and by renumbering subsequent sections accordingly:

Section _____. Tennessee Code Annotated, Section 5-9-109, is amended by adding the following as a new subsection:

() Appropriations to non-profit organizations other than charitable organizations may be made only upon meeting the following conditions:

1. Notices shall be published in a newspaper of general circulation in the county of the intent to make an appropriation to a non-profit but not charitable organization specifying the intended amount of the appropriation and the purposes for which the appropriation will be spent; and

2. The county legislative body must approve the appropriation at two (2) consecutive regularly scheduled meetings.

Section _____. Tennessee Code Annotated, Section 6-54-111, is amended by adding the following as a new subsection:

() Appropriations to non-profit organizations other than charitable organizations may be made only upon meeting the following conditions:

1. Notices shall be published in a newspaper of general circulation in the municipality of the intent to make an appropriation to a non-profit but not charitable organization specifying the intended amount of the appropriation and the purposes for which the appropriation will be spent; and

2. The municipal legislative body must approve the appropriation at two (2) consecutive regularly scheduled meetings.

On motion, the amendment was adopted.

Thereupon, House Bill No. 2114, as amended, passed its third and final consideration by the following vote:

Ayes	87
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--87.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 1985--To provide for hospital information to patients.

On motion, House Bill No. 1985 was made to conform with Senate Bill No. 1847.

On motion, Senate Bill No. 1047, on same subject, was substituted for House Bill No. 1985.

Mr. Starnes moved that Senate Bill No. 1847 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 89
Noes 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

A motion to reconsider was tabled.

House Bill No. 1767--To regulate collection of motor vehicle fees.

On motion, House Bill No. 1767 was made to conform with Senate Bill No. 1794.

On motion, Senate Bill No. 1794, on same subject, was substituted for House Bill No. 1767.

Mr. Clark (Sumner) moved that Senate Bill No. 1794 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 84
Noes 3

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Tanner, Turner

(Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--84.

Representatives voting no were: Copeland, Moody and Turner (Hamilton)--3.

A motion to reconsider was tabled.

House Bill No. 1766--To provide for contraction of city limits.

On motion, House Bill No. 1766 was made to conform with Senate Bill No. 1873.

On motion, Senate Bill No. 1873, on same subject, was substituted for House Bill No. 1766.

Mr. Clark (Sumner) moved that Senate Bill No. 1873 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton --88.

A motion to reconsider was tabled.

House Bill No. 1768--To make certain provisions, support for the poor.

On motion, House Bill No. 1768 was made to conform with Senate Bill No. 1590.

On motion, Senate Bill No. 1590, on same subject, was substituted for House Bill No. 1768.

Mr. Clark (Sumner) moved that Senate Bill No. 1590 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	85
Noes	1
Present and not voting	2

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Phillips, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--85.

Representative voting no was: Brewer--1.

Representatives present and not voting were: Bragg and Cobb--2.

A motion to reconsider was tabled.

House Bill No. 1772--To regulate auction of certain motor vehicles.

On motion, House Bill No. 1772 was made to conform with Senate Bill No. 1585.

On motion, Senate Bill No. 1585, on same subject, was substituted for House Bill No. 1772.

Mr. Clark (Sumner) moved that Senate Bill No. 1585 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--90.

A motion to reconsider was tabled.

On motion of Mr. Clark (Sumner), House Bill No. 1773 was withdrawn from the House.

House Bill No. 1776--To make certain provisions, boating safety.

On motion, House Bill No. 1776 was made to conform with Senate Bill No. 1893.

On motion, Senate Bill No. 1893, on same subject, was substituted for House Bill No. 1776.

Mr. Clark (Sumner) moved that Senate Bill No. 1893 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

A motion to reconsider was tabled.

House Bill No. 1754--To make certain provisions, community development grants.

On motion, House Bill No. 1754 was made to conform with Senate Bill No. 1568.

On motion, Senate Bill No. 1568, on same subject, was substituted for House Bill No. 1754.

Mr. McKinney moved that Senate Bill No. 1568 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1568 by deleting the amendatory language of Section 1 and substituting the following new amendatory language:

Notwithstanding any provision of the law to the contrary, in the allocation and use of community development block grants it is the policy of this state that a substantial portion of such grants shall be utilized whenever reasonably possible for the development of contracts with disadvantaged business as defined in Tennessee Code Annotated, Section 4-26-102(4).

The office of business enterprise in the department of economic and community development shall advise the commissioner, or any other official with authority to allocate or disperse community block grants, of disadvantaged businesses which should be considered as recipients of such block grants. The office of business enterprise shall annually report not later than December 1, to the General Assembly, of all such advisements regarding disadvantaged businesses and the number of or amount of community block grants received by disadvantaged businesses.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1568, as amended, passed its third and final consideration by the following vote:

Ayes	88
Noes	4

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Frensley, Gafford, Gaia, Gill, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--88.

Representatives voting no were: Chiles, Ford, Harrill and Robertson--4.

A motion to reconsider was tabled.

House Bill No. 1972--To make certain provisions, prescription of drugs.

On motion, House Bill No. 1972 was made to conform with Senate Bill No. 1791.

On motion, Senate Bill No. 1791, on same subject, was substituted for House Bill No. 1972.

Mr. Murphy moved that Senate Bill No. 1791 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--91.

A motion to reconsider was tabled.

House Bill No. 1735--To provide for student membership, board of regents.

On motion, House Bill No. 1735 was made to conform with Senate Bill No. 1387.

On motion, Senate Bill No. 1387, on same subject, was substituted for House Bill No. 1735.

Ms. Moore (Sullivan) moved that Senate Bill No. 1387 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore

(Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--91.

A motion to reconsider was tabled.

House Bill No. 1610--To set qualifications, radiation equipment operators.

On motion, House Bill No. 1610 was made to conform with Senate Bill No. 1782.

On motion, Senate Bill No. 1782, on same subject, was substituted for House Bill No. 1610.

Mr. DePriest moved that Senate Bill No. 1782 be passed on third and final consideration.

Mr. DePriest moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1782 by deleting Section 1, subsection (c) in its entirety and substituting the following:

If any licensee of a professional board permits an employee to operate or supervise the operation of a medical radiation equipment by an operator who does not possess a current certificate issued by the appropriate board or agency, then the appropriate professional licensing board shall consider such action to be grounds for a finding of unprofessional conduct and may discipline accordingly.

And to further amend by deleting Section 1, subsection (e) in its entirety.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1782, as amended, passed its third and final consideration by the following vote:

Ayes	84
Noes	7

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hillis, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King

(Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--84.

Representatives voting no were: Chiles, Cobb, Dills, Hudson, Huskey, Moody and Robertson--7.

A motion to reconsider was tabled.

House Bill No. 2213--To amend Highway User Fuel Tax Law.

Mr. Robertson moved that House Bill No. 2213 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--89.

A motion to reconsider was tabled.

House Bill No. 1878--To make certain provisions, inheritance tax.

On motion, House Bill No. 1878 was made to conform with Senate Bill No. 1525.

On motion, Senate Bill No. 1525, on same subject, was substituted for House Bill No. 1878.

Mr. Anderson moved that Senate Bill No. 1525 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1525 by deleting Sections 1, 2, 3, and 4 of the bill in their entirety.

is further amended by substituting therefor new Sections 1,2, and 3:

Section 1. Tennessee Code Annotated, Section 67-8-409 (previously Section 30-1619) is amended by deleting the section in its entirety and substituting instead the following:

(a) Upon receipt of the statement from the clerk of the probate court pursuant to Section 67-8-406 (a), the commissioner shall furnish the personal representative of the estate all necessary forms for the proper inventorying and return of the property of the estate.

(b) The personal representative, or person(s) in possession of property of the decedent, shall within nine (9) months from the death of the decedent, prepare and file with the commissioner an exact copy of the will, if any, and a return of the estate, executed under penalty of perjury upon the form prescribed by the commissioner. The commissioner may, upon application of the personal representative or person(s) in possession showing good cause, grant additional time within which the return may be filed. If the personal representative or person(s) in possession is unable to file a complete return, he shall include in his return such part as is within his control and/or knowledge and shall include the name of every other person holding a legal or beneficial interest therein. Upon notice from the commissioner such person shall in like manner file a return as to that part of the gross estate which is within his control and/or knowledge.

(c)(1) If, however, the gross estate of a resident decedent is less than the maximum single exemption allowed by Section 67-8-316, the representative of the estate is not required to file a copy of the decedent's will, a return and/or an inventory of the resident decedent's gross estate, and the clerk of the appropriate probate court shall deliver or forward by mail to the commissioner a statement upon a form prescribed by the commissioner, under his seal of office, a statement executed under penalty of perjury by the personal representative of the estate that the gross estate of the decedent is less than the applicable maximum single exemption. For this service, the clerk of the probate court shall be allowed to demand and collect in advance two dollars (\$2.00), which fee shall be in addition to the usual and customary probate fees now allowed by law. This fee, paid by the representative of the estate, may be deducted as an expense of administration.

(2) Upon receipt of the statement of the clerk of the probate court, the commissioner shall issue within thirty (30) days of receipt of such statement a certificate acknowledging receipt of the form asserting that on the basis of the information furnished therein that no liability for the payment of any inheritance tax is indicated.

(3) The filing of such certificate in the office of the clerk of the probate court shall relieve the estate of the requirement imposed by Section 67-8-420 for filing a receipt from the commissioner for the inheritance tax imposed by parts 3 and 4 of this chapter, and the clerk of the court may proceed in handling the final accounting or settlement of such estate.

(4) The submission of such statement by the clerk of the probate court and the issuance of a certificate by the commissioner, as provided herein, shall not bar the assessment or collection of any tax which may later be determined to be due upon an estate.

(d)(1) Notwithstanding the foregoing provisions of this section, the personal representative of a resident decedent's estate in which the gross estate exceeds the maximum single exemption allowed by Section 67-8-316 and in which the net taxable estate is less than the maximum single exemption allowed by Section 67-8-316 (non-taxable) may, in his discretion, file an exact copy of the federal estate tax return delivered to the Internal Revenue Service, accompanied by a statement referencing this provision of law. The commissioner shall accept such exact copy of the federal estate tax return in lieu of the state return required by subsection (b) of this section.

(2) Within ninety (90) days of receipt of such duplicate copy of the federal estate tax return, the commissioner shall either assess such additional tax as is found to be due pursuant to Section 67-8-411 or issue to the personal representative of the estate a non-taxable certificate pursuant to Section 67-8-420.

(e)(1) In event the return and inventory required by this section are not filed until nine (9) months from the date of the death of the decedent, the tax shall be paid at the time the return and inventory are filed, unless an extension of time for the payment thereof is granted by the commissioner.

(2) Provided, however, that the representative of the estate, in his discretion, may file the return and inventory earlier and permit the commissioner to proceed with the appraisal of the estate prior to the payment of the tax. In the latter event the commissioner shall, at the completion of the appraisal, notify the representative of the estate by mail of his appraisal and the assessment of the tax. Such notice shall be sent by registered mail to the last known address of such representative and such mailing shall constitute good and sufficient notice.

(f) In the event the tax is paid at the time the return and inventory are filed, the commissioner shall proceed with the appraisal and investigation of the estate as hereinabove provided, and upon the completion thereof, shall make an assessment of any additional amounts found to be due, giving notice of the representative as hereinabove required.

Section 2. Tennessee Code Annotated, Section 67-8-411(a), (previously Section 30-1620) is amended by inserting after the words "Upon receipt of such return and inventory" the words "or of such exact copy of the federal estate tax return filed pursuant to Section 67-8-409(d)(1)".

Section 3. Tennessee Code Annotated, Section 67-8-410, (previously Section 30-1620) is amended by inserting after the words "the return and inventory" wherever they appear, the words "or of such exact copy of the federal estate tax return filed pursuant to Section 67-8-409(d)(1)".

is further amended to redesignate Section 5 of the bill as filed as Section 4 of the bill as amended.

On motion, the amendment was adopted.

Mr. Anderson moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 1525 by deleting in Section 1 the amendatory subdivision (c)(4) in its entirety and substituting the following:

(c) (4) The submission of submission of such statement by the clerk of the probate court and the issuance of a certificate by the commissioner, as provided herein, shall not bar the assessment or collection of any tax which may later be determined to be due upon an estate.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1525, as amended, passed its third and final consideration by the following vote:

Ayes	89
Noes	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell,

King (Washington), Kisber, Love, McAfee, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton --89.

Representative voting no was: McKinney--1.

A motion to reconsider was tabled.

House Bill No. 2075--To provide time length, school class periods.

On Motion, House Bill No. 2075 was made to conform with Senate Bill No. 2045.

On motion, Senate Bill No. 2045, on same subject, was substituted for Hose Bill No. 2075.

Mr. Starnes moved that Senate Bill No. 2045 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	85
Noes	8

Representatives voting aye were: Anderson, Atchley, Bell, Bivens, Bragg, Brewer, Buck, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Drew, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sir, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --85.

Representatives voting no were: Bewley, Chiles, Duer, Hudson, Rhinehart, Scruggs, Smith and Webb--8.

A motion to reconsider was tabled.

Ms. Williams moved that Senate Bill No. 1400 be placed on the Calendar for Thursday, May 10, 1984, which motion prevailed.

Mr. Naifeh moved that House Bill No. 1498 be placed on the Calendar for Monday, May 14, 1984, which motion prevailed.

Mr. Wheeler moved that House Bill No. 2010 be placed on the Calendar for Tuesday, May 15, 1984, which motion prevailed.

FURTHER CONSIDERATION OF SENATE BILL NO. 1929

Senate Bill No. 1929--To regulate taxes, imposed on barrels of beer and soft drink bottles.

Mr. Wood moved that Senate Bill No. 1929 be passed on third and final consideration.

On motion of Mr. Wood Amendment No. 1 was withdrawn.

Mr. Wood moved to amend as follows:

AMENDMENT NO. 2

Amend Bill No. 1929 by substituting language for the language of Section 3, as follows:

SECTION 3. This act shall take effect on June 1, 1984, the public welfare requiring it, and shall apply to all returns for taxes filed on or after the effective date of this act, and shall cease to be effective and be repealed, with respect to the amount of tax increases imposed by Chapter 307 of the Public Acts of 1981, on June 30 of any year following the enactment of any state or federal law which imposes mandatory deposits by consumers on beverage containers sold in Tennessee or on June 30, 1987, which ever occurs first.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1929, as amended, passed its third and final consideration by the following vote:

Ayes	90
Noes	0
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Percy, Phillips, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--90.

Representative present and not voting was: King (Shelby)--1.

A motion to reconsider was tabled.

Mr. Murphy moved that Senate Bill No. 1481 be placed on the Calendar for Monday, May 21, 1984, which motion prevailed.

Mr. Kernell moved that House Bill No. 1896 be placed on the Calendar for Monday, May 14, 1984, which motion prevailed.

Senate Bill No. 2171--To regulate issuance, special license plates.

Mr. Gafford moved that Senate Bill No. 2171 be passed on third and final consideration.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 2171 in amendatory Section 55-4-202 of Section 1 by adding a new subdivision (c)(1)(H), as follows:

(H) Amateur Radio

and by deleting present subdivision (c)(4)(A) and relettering subsequent subdivisions accordingly.

On motion, the amendment was adopted.

Mr. Rhinehart moved that the rules be suspended for the immediate consideration of Amendment No. 2, which motion prevailed.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 2171 by adding a new subsection to Section 55-4-202 of Section 1, as follows:

() To be eligible for an amateur license plate without paying an additional fee in addition to the regular fee for such plate, the registrant must furnish proof to the commissioner, through the county clerk that he or she is a member of a squad or group that actively participates in needed services during any and all emergencies as determined by the civil defense, rescue squads or other such organizations that are engaged in volunteer emergency services.

On motion, the amendment was adopted.

Mr. Shirley moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 2171 by deleting the section amending Tennessee Code Annotated, Section 55-4-111, said section added by Senate Amendment #3.

On motion, the amendment was adopted.

Mr. Dills moved to amend as follows:

AMENDMENT NO. 4

Amend Senate Bill No. 2171 in Section 1, amendatory Section 55-4-202 (c)(4), by adding a new item to be appropriately lettered:

() District Attorney General

AND FURTHER AMEND in Section 1 by adding the following as a new amendatory section to be appropriately numbered:

Section 55-4-231

Owners of motor vehicles who are residents of the state of Tennessee and who are duly elected District Attorney General, complying with state motor vehicles law relating to registration and licensing of motor vehicles, upon payment of the regular license fee for plates, as prescribed under Section 55-4-111, and payment of an additional fee provided for in Section 55-4-203, shall be issued a license plate, as prescribed by Section 55-4-101, for private passenger cars, upon which, in lieu of the numbers as prescribed by Section 55-4-103, shall be inscribed the number now used to designate the respective counties followed by the initials "D.A." and shall have inscribed, stamped or printed thereon the words "District Attorney General".

On motion, the amendment was adopted.

Mr. Herndon moved to amend as follows:

AMENDMENT NO. 5

Amend Senate Bill No. 2171 by adding the following new subsection to the amendatory Section 55-4-202 of Section 1:

() Notwithstanding any provision of this part to the contrary, to be eligible for amateur license plates without paying an additional fee in addition to the regular fee for such plates, the registrant must furnish proof to the commissioner, through the county clerk, that he or she is a member of the Amateur Radio Emergency Service (ARES).

On motion, the amendment was adopted.

Mr. Johnson moved to amend as follows:

AMENDMENT NO. 6

Amend Senate Bill No. 2171 in Section 55-4-202(c)(4) of Section 1 by adding an additional item, as follows:

(J) Sergeants-at-arms of either house of the General Assembly.

Representative W. C. Herndon of Benton County was stricken ill and collapsed on the House floor.

Mr. Speaker pro tem Brewer announced that the House would stand in recess while first aid was administered to Representative Herndon.

Representative Herndon was taken from the Chamber by medical personnel.

The House was called to order by Mr. Speaker pro tem Brewer.

On motion, the roll call was dispensed with.

Mr. Speaker McWherter resumed the Chair.

The Speaker recognized Representative Wood of Hamilton County for prayer on behalf of Representative Herndon.

The Speaker announced that the remainder of the bills on today's Calendar would be placed on the Calendar for Thursday, May 10, 1984.

The Speaker declared the House adjourned until 2:00 p.m. tomorrow.